

August 25, 2005

John F. Tavaglione
County Supervisor – District Two
County of Riverside
[Address Redacted]
Riverside, CA 92502-1646

**Re: Your Request for Advice
Our File No. A-05-166**

Dear Mr. Tavaglione:

This letter is in response to your request for advice regarding the campaign provisions of the Political Reform Act (the “Act”).¹ However, the Commission’s authority is limited to interpreting and enforcing the provisions of the Act. Other areas of law may apply, such as Government Code section 1126 relating to incompatible activities of local officials. We must therefore refer you to your local counsel or the Attorney General’s office for questions regarding Government Code section 1126.

QUESTIONS

1. May you use campaign funds to supplement the governmental salary of your Chief Deputy, an employee of the County of Riverside?
2. If campaign funds may be used for this purpose, what method of payment would be required; must he have an independent contract with the campaign committee or must the committee hire him as an employee?

CONCLUSIONS

1. You may use campaign funds to supplement the governmental salary of your Chief Deputy because the expenditure is directly related to a governmental purpose.
2. The Act does not regulate whether your Chief Deputy must have a separate independent contract, or the tax implications of such an arrangement. You may

¹ Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

wish to contact the state Franchise Tax Board or the Internal Revenue Service for guidance.

FACTS

You are a member of the Board of Supervisors for the County of Riverside representing the second district. Your Chief Deputy is being courted by a local city in your jurisdiction with a job offer that includes a higher salary than he is receiving in his current position with the county. He is at his highest allocated pay grade with the county.

ANALYSIS

The general rule is that any expenditure of campaign funds must be, at a minimum, reasonably related to a political, legislative, or governmental purpose. (Section 89512.)

Section 89513(b) further provides:

“(b) Campaign funds shall not be used to pay for or reimburse the cost of professional services *unless the services are directly related to a political, legislative, or governmental purpose.* [Emphasis added.]

Assuming the duties of your Chief Deputy are governmental in nature, there is nothing in the Act that would prohibit you from supplementing his governmental salary with campaign funds. (*Hunter* Advice Letter, No. I-91-247 and *Boger* Advice Letter, No. I-91-291.)²

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca
General Counsel

By: Kevin S. Moen, PhD
Political Reform Consultant II
Technical Assistance Division

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² We assume the provisions of section 89518 do not apply. Section 89518 prohibits the use of campaign funds to compensate a candidate, elected officer, or any individual with authority approve the expenditure of campaign funds for the performance of political, legislative, or governmental activities.